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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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8933	7590	10/04/2005	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,171

Applicant(s)

SAFAEI ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 92-125 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 9-30, 92-97 and 100-125 is/are rejected.
7) ☒ Claim(s) 7, 8, 98 and 99 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendment filed July 7, 2005 in which the applicant previously canceled claims 31-91, amends 1, 5, 7, 9, 10, 13-14, 17, 20, 23, 26, 92, 96, 98, 100-101, 104-105, 105, 108, 1, 114, 117, 122, and 123 and claims 1-30 and 92-125.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 26-30, 117-121, and 124-125 are rejected under 35 U.S.C. 102(e) as being anticipated by Garahi et al. (US 2001/0047291).

3. Garahi et al discloses the following:

Prompting the user to select a date within a predefined time period (figure 5), transmitting a track board through the computer network to a user terminal, wherein the track board is displayed to the user by the user terminal

Art Unit: 3714

(figures 4-9), the track board including a listing of tracks and listing of races at the tracks for the date selected by the user (figure 9 and 12), distinguishing the races from each other to the user by status as completed, open for wagering, and not yet open for wagering (figure 12), prompting the user to select a race from a track in the listing (figure 4), displaying results data from a race selected by the user to the user with the user terminal if the status for the selected race is completed (figure 9), displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering (figures 4-9), and displaying race entry data for a race selected by the user to the user with the user terminal if the status of the selected race is not yet open for wagering (figures 4-9 and summary) as recited in claims 26 and 117.

Updating the statuses of the races on the track board at predetermined time intervals (paragraph 105) as recited in claims 27 and 118.

Distinguishing the races from each other to the user by status as closed for wagering with no results available, open for wagering with live odds available, and open for wagering with no live odds available as recited in claims 29 and 119.

Transmitting live odds to the user terminal through the computer network if the status of the selected race is open for wagering with live odds available, wherein the live odds are displayed to the user terminal, and updating the live odds at predetermined time intervals (figure 12) as recited in claims 30 and 121.

Art Unit: 3714

The race entry data having a listing of original entries for the race selected by the user, the selected race being at a future day and the program data having a listing of current entries for the race selected by the user the selected race being for a currently scheduled race for a current day (figures 4-9) as recited in claims 124 and 125.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9-30, 92-97, and 100-123 rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi et al. (US 2001/0047291) in view of Brenner et al. (6,089,981) and Boylan, III et al (US 6,712,701).

6. Garahi et al further discloses the following:

A user capable of indicating an event by which to wager on using a suitable type of interface through a private wagering network or through a public network such as the Internet 1, 9, 92, and 100.

Garahi et al discloses the claimed invention as discussed above except for the following:

Transmitting race entry data through a computer network to the user terminal, wherein the race entry data are displayed to the user by the user terminal, the race entry data including a listing of a plurality of tracks. a listing

Art Unit: 3714

of scheduled races at each of the tracks at a future day, and a listing of original entries in each of the races, transmitting race program data through the computer network to the user terminal, wherein the race program data are displayed to the user by the user terminal, the race program data including a listing of a plurality of tracks, a listing of currently scheduled races at each of the tracks for a current day, and a listing of current entries in each of the races, transmitting live odds through the computer network to the user terminal for races included within the race program data which are open for wagering and for which live odds are available, wherein the live odds are displayed to the user by the user terminal, and updating through the computer network the live odds transmitted to the user terminal at predetermined time intervals, wherein the update live, odds are displayed to the user by the user terminal as recited in claims 1 and 92

The race program data having program number and postposition for each current entry in each race as recited in claims 2 and 93.

The race entry data further having morning line odds as recited in claims 3 and 94.

The entry data further having an original jockey and trainer for each entry and current entry as recited in claims 4 and 95.

A means for providing a list of at least one past performance, at least one handicapping, or at least one tip selection or combination to a user on a user terminal as recited in claims 5 and 96.

Art Unit: 3714

A means for charging a credit card of the user, a wagering account of the user, or a promotional account of the user as recited in claim 6 and 97.

A means for providing results data for currently scheduled races to a user terminal through the network after currently scheduled races have been made official and the results include finish order of entries from races and payoff for the entries on the user terminal as recited in claims 9 and 100.

A means for providing a listing of a plurality of tracks and weather conditions for the tracks displayed on the user terminals as recited in claims 10-12 and 101-103.

A means for providing race contest new articles to the user on a user terminal as recited in claims 13 and 104.

A user to view contents news articles selected by a user and displayed on a user terminal as recited in claims 14 and 105.

A means for prompting a user for displaying post time for currently scheduled races and means for causing post times for currently scheduled races to be expressed in a time zone displayed on user terminal as recited in claim 15 and 106.

Prompting the user to select a country before transmitting the race entry data and the race program data the transmitted race entry data and the transmitted race program data identifying races from a country selected by the user as recited in claim 16 and 107.

Art Unit: 3714

A means for providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries as recited in claims 17 and 108.

A means for causing the search result to be organized by a plurality of headings as recited in claims 18 and 109.

A means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal as recited in claims 19 and 110.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal as recited in claims 20 and 111.

Race characteristic includes a plurality of headings as recited in claims 21, 24, 112, and 115.

A means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal as recited in claims 22 and 113.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal as recited in claims 23 and 114.

Art Unit: 3714

A means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal as recited in claims 25 and 116.

The statuses re distinguished by color as recited in claim 28.

The computer network includes the Internet as recited in claims 122 and 123.

Brenner teaches the following:

A means for providing race entry data through a network to a user terminal having a listing of tracks, scheduled races, a means for providing race program data through the network to a user terminal (column 3, lines 32-40), a means for providing live odds through a network, and a means for updating (summary and figures 1 and 8-22) as recited in claims 1 and 92.

The race program data having program number (not shown) and postposition for each current entry in each race (summary) as recited in claims 2 and 93.

The race entry data further having morning line odds (column 18, line 51-61) as recited in claims 3 and 94.

The entry data further having an original jockey and trainer for each entry and current entry (column 14, line 61 – column 15, line 3) as recited in claims 4 and 95.

A means for providing a list of at least one past performance, at least one handicapping, or at least one tip selection or combination to a user on a user terminal (summary) as recited in claims 5 and 96.

A means for charging a credit card of the user, a wagering account of the user, or a promotional account of the user (column 20, line 20-34) as recited in claim 6 and 97.

A means for providing results data for currently scheduled races to a user terminal through the network after currently scheduled races have been made official and the results include finish order of entries from races and payoff for the entries on the user terminal (summary) as recited in claims 9 and 100.

A means for providing a listing of a plurality of tracks and weather conditions for the tracks displayed on the user terminals (column 6, line 51 – 58) as recited in claims 10-12 and 101-103.

A means for providing race contest new articles to the user on a user terminal (column 9, lines 11-31) as recited in claims 13 and 104.

A user to view contents news articles selected by a user and displayed on a user terminal (column 9, lines 11-31) as recited in claims 14 and 105.

A means for prompting a user for displaying post time for currently scheduled races and means for causing post times for currently scheduled races to be expressed in a time zone displayed on user terminal (figure 35 and column 22, line 47 – column 23, line 5) as recited in claim 15 and 106.

Prompting the user to select a country before transmitting the race entry data and the race program data the transmitted race entry data and the transmitted race program data identifying races from a country selected by the user, in which the examiner interprets the selection of different parts of the country region to be an equivalent to a prompting the user to select a country (figure 35 and column 22, line 47 – column 23, line 5) as recited in claim 16 and 107.

The statuses re distinguished by color (column 9, lines 41-53) as recited in claim 28.

By having an interactive type wagering service on a computer network, one of ordinary skill in the art would allow users to access racing information or to place wagers on an upcoming race.

Garahi et al and Brenner do not expressly disclose the following:

A means for providing race data through a computer network to a user terminal and a listing of tracks at a future day and a listing of original entries in each of the races as recited in claims 1, 9, 92, and 100.

A means for providing a board having entries including a horse, jockey, or trainer, and a means for providing selected result identifying races including a horse, jockey, or a trainer entries as recited in claims 17 and 108.

A means for causing the search result to be organized by a plurality of headings as recited in claims 18 and 109.

Art Unit: 3714

A means for prompting the user to select a horse, a jockey, or a trainer for providing statistical data for horse, jockey, or trainer selected by user on a user terminal as recited in claims 19 and 110.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time and prompting a user at least one race characteristic (post-time) on a user terminal as recited in claims 20 and 111.

Race characteristic includes a plurality of headings as recited in claims 21, 24, 112, and 115.

A means for prompting user to organize search result according to a race characteristics and a means for causing the search results to be organized by a race characteristics select by the user on a user terminal as recited in claims 22 and 113.

A means for providing a race board on a user terminal having a listing of a plurality of races scheduled for a predetermined period of time, prompting the user to organized the listing by at least one race characteristic and the a means for causing the listing to be organized by race characteristics selected by the user on a user terminal as recited in claims 23 and 114.

A means for prompting the user to search the listing for race having at least one race characteristic and a means for causing the listing to be searchable for races having a race characteristic selected by the user on a user terminal as recited in claims 25 and 116.

The computer network includes the Internet as recited in claims 122 and 123.

Boylan, III et al teaches the following:

An interactive wagering service capable of having a means for providing race type data through a computer network to a user displayed to the user by a user terminal (column 3, lines 10-24 and column 4, line 64 – column 5, line 5 and figure 1).

An interactive wagering system capable of providing users content that is interactive, which the user may select displayed items to obtain additional information or to create a wager based on the selected information, in which the examiner interprets Boylan's interactive wagering system to be a functional equivalent to the search board as recited in claims 17-25 and 108-116.

The computer network includes the Internet (figures 1 and 4) as recited in claims 122-123.

By having an interactive type wagering service on a computer network, one of ordinary skill in the art would allow users to access racing information or to place wagers on an upcoming race.

Garahi in view of Brenner and Boylan do not expressly disclose a listing of tracks, a list for scheduled races at each of the tracks and a listing of original entries for a future event, however, it is notoriously well known in sport wagering bookings to have a listing of events, odds, point spread, and other stats for wagering on future event like boxing or the super bowl.

Art Unit: 3714

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Garahi et al to further include a means for providing race data through a computer network to a user terminal, a search board means, and a listing of tracks at a future day and a listing of original entries in each of the races as taught by Brenner and Boylan allow users to access racing information or to place wagers on an upcoming race.

Allowable Subject Matter

7. Claims 7-8 and 98-99 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-30 and 92-125 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

Art Unit: 3714

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Chanda Harris can be reached on 571-272-4448. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER